



July 8, 1999

Mr. Scott A. Kelly
Deputy General Counsel
Office of General Counsel
Texas A&M University System
John B. Connally Bldg.
301 Tarrow, 6th Floor
College Station, Texas 77840-7896

OR99-1901

Dear Mr. Kelly:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 125523.

The Texas A&M University System (the "system") received a request for "the names of the chancellor candidates who will be interviewed at Thursday's special meeting of the A&M system board of regents." You seek to withhold the requested names under section 552.123 of the Government Code.

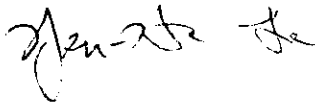
Section 555.123 excepts from required public disclosure the "name of an applicant for the position of chief executive officer of an institution of higher education . . . except that the governing body of the institution must give public notice of the name or names of the finalists being considered for the position at least 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the person."

The system is an institution of higher education. *See, e.g.*, Educ. Code §61.003. You indicate that the chancellor position is that of "chief executive officer" which, under section 85.17(b) of the Education Code, is filled by appointment by the system's board of regents. You note the provisions of section 552.123 regarding the release of finalists' names, but do not indicate that any of the individuals whose names the requestor is seeking are "finalists" for the chancellor position within the meaning of the section. Based on your representations, we conclude that you may withhold the requested candidates' names under section 552.123.¹

¹We assume that after the system has interviewed the candidates, the system will narrow its choices to a list of finalists who will be considered for the position of chancellor. The system then must give public notice of the finalists' names. Gov't Code § 552.123.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', written in a cursive style.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/eaf

Ref.: ID# 125523

cc: Mr. John Kirsch
The Eagle
P.O. Box 3000
Bryan, Texas 77805